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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/647,627      | 08/25/2003  | Andrew H. Borom      |                     | 2543             |

7590 01/11/2005  
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| EXAMINER |
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HO, ALLEN C

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| ART UNIT | PAPER NUMBER |
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2882

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/647,627

Applicant(s)

BOROM, ANDREW H.

Examiner

Allen C. Ho

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 11-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 082003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

Page 8, line 8, "58" should be replaced by --52--.

Appropriate correction is required.

### *Claim Objections*

2. Claim 10 is objected to because of the following informalities: line 2, "os" should be replaced by --of--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamura (U. S. Patent No. 6,095,685).

With regard to claims 1 and 2, Tamura disclosed a surgical table configured for attachment to an x-ray machine, wherein the x-ray machine has an image intensifier (6) which receives x-rays in a direction approximately transverse to a mounting surface (11), comprising: (a) a main plate (12) having an upper surface and a lower surface; and (b) attachment means (3,

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9, 10, 11), affixed to the main plate and configured to attach the main plate to the image intensifier in an orientation wherein the lower surface is proximate to and parallel to the mounting surface.

With regard to claims 9 and 10, Tamura disclosed a surgical table configured for attachment to an x-ray machine, wherein the x-ray machine has an emitter (8) which transmits x-rays in a direction approximately transverse to a mounting surface (11), comprising: (a) a main plate (12), having an upper surface and a lower surface; and (b) attachment means (3, 9, 10, 11), affixed to the main plate and configured to attach the main plate to the emitter in an orientation wherein the lower surface is proximate to and parallel to the mounting surface.

5. Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Muthmann (U. S. Patent No. 5,086,448).

With regard to claims 1 and 2, Muthmann disclosed a surgical table configured for attachment to an x-ray machine, wherein the x-ray machine has an image intensifier (9) which receives x-rays in a direction approximately transverse to a mounting surface (the face of the image intensifier), comprising: (a) a main plate (4) having an upper surface and a lower surface; and (b) attachment means, affixed to the main plate and configured to attach the main plate to the image intensifier in an orientation wherein the lower surface is proximate to and parallel to the mounting surface.

With regard to claims 9 and 10, Muthmann disclosed a surgical table configured for attachment to an x-ray machine, wherein the x-ray machine has an emitter (8) which transmits x-rays in a direction approximately transverse to a mounting surface (the face of the image intensifier), comprising: (a) a main plate (4), having an upper surface and a lower surface; and

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(b) attachment means (5, 6), affixed to the main plate and configured to attach the main plate to the emitter in an orientation wherein the lower surface is proximate to and parallel to the mounting surface.

### *Allowable Subject Matter*

6. Claims 3-8 and 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (1) Romeas *et al.* (U. S. Patent No. 5,018,176) disclosed a mammography comprising an image intensifier.
- (2) Rossi (U. S. Patent No. 4,653,083) disclosed a patient support attached to a C-arm.
- (3) Grady *et al.* (U. S. Patent No. 4,649,560) disclosed a patient support attached to a C-arm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen C. Ho  
Patent Examiner  
Art Unit 2882

10 January 2005